

DISTRICT COURT (FIRST DISTRICT) [273]

MINUTE BOOKS, 1851-1858, 1865-1873, 1890-1896.

.25 cubic feet (1 vol.) and 4 microfilm reels

DESCRIPTION: This series is made up of minute books which record the official acts and proceedings of court terms held throughout the first judicial district. These records were created and maintained by the court clerk, who was required by statute to keep a record of proceedings (Compiled Laws of Utah, 1876, sections 1062 and 1065).

The minutes are a daily, handwritten record of documents filed and actions taken with regard to every matter brought before each session of the court, largely regarding documents submitted, appearances before the court, and orders issued. A typical case spans multiple dates. Minutes are not transcripts, but do include a brief description of the hearing, including the title of case, case number, names of attorneys, date of each development in the case, record of witnesses and evidence introduced, what pleadings, petitions, or motions were made and by whom, and summaries of injunctions, rules, orders, verdicts, and judgments. Administrative details and meeting logistics (such as the court site, officers present, the selection and dismissal of jurors, and scheduling and assigning cases) may be noted. These minute books document the legal process and the administration of justice.

The territorial governor issued proclamations fixing terms of the first district court in each calendar year, typically Utah and Weber counties. Special terms occasionally were held in other counties throughout the district, i.e., Green River County (Book A) and Sanpete County (Book 7). The First District Court was divided into two geographic divisions from 1880-1892. The Northern Division, which typically met at Ogden in Weber County, included Box Elder, Cache, Morgan, and Weber counties. The Southern Division, which generally sat at Provo in Utah County, encompassed Carbon, Emery, Grand, Juab, Millard, San Juan, Sanpete, Sevier, Uintah, Utah, and Wasatch counties. Situated between the northern and southern divisions of the First District Court was the Third District Court (Davis, Salt Lake, Summit, and Tooele counties). The northern division became the newly created fourth judicial district in 1892.

According to federal and territorial statutes, the district court has jurisdiction in all matters not prohibited by law. The majority of these cases are civil matters. Suits to recover money owed to plaintiffs are the predominant type of action. These proceedings arise out of failure to honor promissory notes or other contract terms and non-payment of rent, lease payments, and court-ordered judgments. Petitions for divorce are also common. Other routine legal actions include voluntary withdrawal or dissolution of corporations as well as petitions for a writ of habeas corpus (a court order requiring that a prisoner be brought before a judge to decide the legality of his detention or imprisonment). Criminal matters may involve larceny, trespass, burglary, robbery, assault, battery, rape, prostitution, sodomy, gambling, narcotics, riot, perjury, or murder.

The district court was restricted to adjudication of actions involving real property located within the judicial district, those in which the defendant resides within the judicial district, and those involving incidents occurring within the judicial district. The court's appellate jurisdiction extends to all cases arising in probate, justice's, or U.S. Commissioner's court. Upon receipt of an appeal, the district court conducted a complete retrial of the case. Certified copies of pertinent court documents were provided to the district court while the inferior court retained the original documents in its case file.

ARRANGEMENT: The minutes are chronological by date of court session. The earliest Journal is identified only by date, October 6, 1851-February 22, 1856. Two subsequent volumes are identified by letters of the alphabet (books A and B) and encompass December 7, 1851 to July 17, 1873. Three later volumes are numbered (volumes 5-7) and span the period from October 28, 1890 to January 4, 1896.

RESEARCH NOTE: Minutes of the 1851 case pertaining to Pedro Leon and the Indian slave trade are included in this series (Journal, October 6, 1851-February 22, 1856).

Custody of the northern division minute books and other records kept in Ogden were transferred to the new Fourth District Court in 1892 and are linked to that creating agency. The southern division remained in the First District. Original records created by the District Court in Utah County have not been transferred to the Utah State Archives and are retained by the court or in the Utah County Records Center. Cases still pending at statehood were transferred to the district court in the county of origin.

RELATED RECORDS: Minutes recorded during court terms held at Ogden, Weber County, are found in WEBER COUNTY MINUTE BOOKS, 1892-1896 (Series 5062). More detailed information about matters coming before the district court may be found in the CRIMINAL CASE FILES, 1850-1895 (Series 1521) and WEBER COUNTY CIVIL AND CRIMINAL CASE FILES, 1880-1891 (Series 1529). Criminal information and indictment records from both the northern and southern divisions may be included in the district court's grand jury records (1883-1895). Naturalization record books show further documentation of the

naturalization of aliens. For appeals to the district court the lower court records should be checked, as should the Territorial Supreme Court for appeals from the district court. At statehood in January 1896, district courts were established in each county. These courts began recording minutes of cases heard at the county seat.

Utah County presumably retains custody of the following records listed in the *Preliminary Inventory of the County Archives of Utah*, vol. 25, Utah County (circa January 1940): Probate Minute Book, January 1885-circa 1940; Minutes of the Grand Jury, February 1884-December 1895; Criminal Register of Actions, September 1874-April 1887, July 1888-circa 1940; Civil Cases, October 1870-circa 1940; Civil Register of Actions, October 1870-circa 1940; and Index to Civil Register of Actions, October 1870-circa 1940.

CUSTODY HISTORY: Throughout the territorial period, minute books were created and maintained by the clerks appointed by and serving at the pleasure of the judge of the district court. At statehood, the County Clerk in each county was constitutionally designated *ex-officio* clerk of District Court. The county/district court clerk microfilmed the minutes in 1959 and maintains custody of the original minute books. Microfilm copies were subsequently obtained by the Utah State Archives.

PROCESSING NOTE: The Utah Judicial Council has determined that minutes are permanent records. Microfilming of the minute books for reference use was done by the Utah County microfilming department in March 1959. Archival processing of the minute books was completed in October 2001 by W. Glen Fairclough, Jr.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

GAPS: Two large gaps exist in Archives's holdings. A 7-year gap occurs between the end of Book A (May 22, 1858) and the beginning of Book B (July 12, 1865). A 17-year gap for the southern division (Utah County) exists between the end of Book B (July 17, 1873) and the beginning of Volume 5 (October 28, 1890).

CONTAINER LIST

Reel	Box	Description
1	1	1851, October 6-1856, February 22 (Journal)
2	NA	1851, December 7-1858, May 22 (Book A)
2	NA	1865, July 12-1873, July 17 (Book B)
3	NA	1890, October 28-1892, December 28 (Book 5)
3	NA	1892, December 29-1894, July 7 (Book 6)
4	NA	1894, July 9-1896, January 4 (Book 7)

